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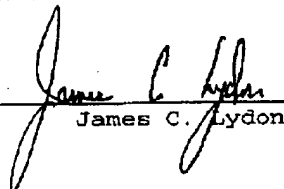
FROM: James C. Lydon

RE: Request for Reconsideration of
Patent Term Adjustment
U.S. Patent No. 7,112,339
U.S. Patent Appln. S.N. 10/069,145
By: Manja AHOLA et al.
Atty. Case No.: TUR-125

TOTAL PAGES: 7 including cover sheet.

DATE: November 6, 2006

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James C. Lydon

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

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In re U.S. Patent No. 7,112,339:

Issued: September 26, 2006

Serial Number: 10/069,145

Group Art Unit: 1615

Filed: February 22, 2002

Examiner: Sheikh, Humera N.

For: COMPOSITIONS FOR CONTROLLED RELEASE OF A BIOLOGICALLY
ACTIVE AGENT, AND THE PREPARATION THEREOF**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
PURSUANT TO 37 C.F.R. § 1.705(d)**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

November 6, 2006

Sir:

The Commissioner is requested to reconsider the patent term adjustment for U.S. Patent No. 7,112,339 ("the '339 patent"). The facts supporting this Request follow:

1. The Patent Office initially determined the '339 patent was entitled to 65 days of patent term adjustment. See the Determination of Patent Term Adjustment Under 35 U.S.C. 154(b) attached to the Notice of Allowance.

2. The Patent Office subsequently revised the patent term adjustment downward to 16 days due to an alleged additional 49 days of applicant delay. However, the correct patent term adjustment is

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U.S. Patent No. 7,112,339

PATENT

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

124 days. The bases for patent term adjustment under § 1.702 are:

§ 1.702(a)(1): 126 days

§ 1.702(a)(4): 59 days

3. The relevant dates, as specified in §§ 1.703(a) through (e), for which an adjustment is sought are:

1.702(a)(1): February 22, 2002 is the filing date of the application, April 22, 2003 is fourteen months after the application's filing date, and August 26, 2003 is the date the Patent Office mailed a non-final Official Action. The number of days of Patent Office delay under § 1.702(a)(1) is 126.

1.702(a)(4): March 29, 2006 is the date Issue Fee was paid, July 29, 2006 is four months after the date the Issue Fee was paid, and September 26, 2006 is the date the '339 patent issued. The number of days of Patent Office delay under § 1.702(a)(1) is 59.

Accordingly, the total number of days of Patent Office delay is 185.

4. The '339 patent is not subject to a terminal disclaimer.

5. There were two circumstances constituting a failure of the applicants to engage in reasonable efforts to conclude processing or examination of the application under 37 C.F.R. §

1.704(b):

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PATENT

U.S. Patent No. 7,112,339
REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

A. First Extension of Time - The applicants required a one month Extension of Time, filed June 4, 2004, to respond to an Official Action mailed February 4, 2004. The number of days of applicant delay incurred in this instance was 31.

B. Second Extension of Time - The applicants required another one month Extension of Time, filed July 7, 2005, to respond to an Official Action mailed March 7, 2005. The number of days of applicant delay incurred in this instance was 30.

Accordingly, the total number of days of applicant delay is 61.

ARGUMENT

1. The Additional 49 Day Charge of Applicant Delay is Erroneous

The Patent Term Adjustment History for the '339 patent erroneously lists an additional 49 days of applicant delay due to an allegedly late payment of the Issue Fee. However, the Issue Fee was timely paid on March 29, 2006. The Patent Office erroneously issued a Notice of Abandonment for failure to pay the Issue Fee on June 13, 2006. The undersigned filed a Petition for Withdrawal of Abandonment Holding on June 16, 2006. The Patent Office mailed a Notice of Rescinded Abandonment on June 29, 2006. Accordingly, the 49 day charge of applicant delay should be removed.

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PATENT

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

2. The Applicants Are Entitled to An Additional 59 Days of
Patent Term Adjustment Due to Patent Office Delay

The Issue Fee was timely paid on March 29, 2006. Accordingly, the '339 patent should have been issued no later than July 29, 2006. However, the '339 patent did not issue until 59 days later, on September 26, 2006. Accordingly, the '339 patent is entitled to an additional 59 days of patent term adjustment under § 1.702(a)(4).

Accordingly, the correct patent term adjustment to which the '339 patent is entitled is 124 days (185 days of PTO delay - 61 days of applicant delay).

The erroneous 49 day charge of applicant delay is part of the PTO's revision of its initial patent term adjustment. This error could not have been raised in an application for patent term adjustment under 37 C.F.R. § 1.705(b). Similarly, the additional 59 day delay in issuing the '339 patent could not have been raised in an application for patent term adjustment under 37 C.F.R. § 1.705(b).

This Request is being timely filed within two months of the September 26, 2006 issue date of the '339 patent.

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U.S. Patent No. 7,112,339
REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

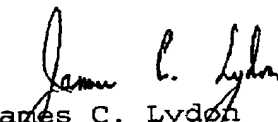
PATENT

ACTION REQUESTED

The Commissioner is requested to correct the patent term adjustment for the '339 patent to 124 days.

The \$200.00 fee set forth in 37 C.F.R. § 1.18(e) is attached. It is not believed any additional fee is required for entry and consideration of this Request. Nevertheless, the Commissioner is requested to charge our Deposit Account No. 50-1258 in the amount of any such required fee.

Respectfully submitted,


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Reg. No. 30,082

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